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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 RICHARD BARRON,

11 Plaintiff,

No. CIV S-04-1197 GEB GGH P

12 vs.

13 DR. USHA PAI, et al.,

14 Defendants.

FINDINGS & RECOMMENDATIONS

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16 By order filed September 6, 2006, this court directed plaintiff to file a pretrial  
17 statement within thirty days. Plaintiff has not responded to the court's order. The court will  
18 therefore recommend that this action be dismissed without prejudice. See Fed. R. Civ. P. 16(f);  
19 Local Rule 11-110.

20 In accordance with the above, IT IS HEREBY RECOMMENDED that this action  
21 be dismissed without prejudice.

22 These findings and recommendations are submitted to the United States District  
23 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty  
24 days after being served with these findings and recommendations, any party may file written  
25 objections with the court and serve a copy on all parties. Such a document should be captioned  
26 "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections

1 shall be served and filed within ten days after service of the objections. The parties are advised  
2 that failure to file objections within the specified time may waive the right to appeal the District  
3 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

4 DATED: 11/1/06

/s/ Gregory G. Hollows

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6 GREGORY G. HOLLOWS  
UNITED STATES MAGISTRATE JUDGE

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